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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,138	02/08/2001	Toshiyuki Nakao	116692000300	1451
25227	7590	10/18/2006	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			ZAND, KAMBIZ	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/779,138	NAKAO ET AL.
	Examiner Kambiz Zand	Art Unit 2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 18 September 2006.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 2-6, 15, 18 and 22 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 2-4, 6, 15 and 18 is/are rejected.
 7) Claim(s) 5 and 22 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

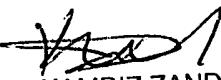
Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 08 February 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
3. Claims 1, 7-14, 16-17, 19-21 have been cancelled.
4. Claims 2-6, 15, and 18 have been amended.
5. New claim 22 has been added.
6. Claims 2-6, 15, 18 and 22 are pending.
7. Claims 7-13, 16-17, 19, and 21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 01/11/2005.
8. The Claim Rejections under 35 USC § 101 of claim 20 is moot due to cancellation of the claim by Applicant.

Response to Arguments

9. Applicant's arguments are persuasive only in the light of claim 5, and therefore the rejection of claim 5 has been withdrawn (see allowability subject matter below).

10. Applicant's arguments with respect to the claims 2-4, 6, 15, 18 and 22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

11. **Claims 2-4, 6, 15, 18 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sick et al (2003/0216971 A1).

As per claim 3 Sick et al (2003/0216971 A1) teach a system in which a plurality of office automation devices arranged in a work place and a management server managing each of the office automation devices are connected via a network, wherein each of the office automation devices (see abstract; fig.2 and associated text; [0010-0011]) comprises: verification means for verifying a user attempting to operate each of the office automation devices and belonging to a predetermined section of the work place (see [0031-0033];[0036]),

information acquisition means for acquiring device usage information including information of a user verified by the verification means and a value indicating an amount of usage of the office automation device by the verified user (see [0036-0037][0100][0107] where the table 2i of fig.2 stores Ids to all meters associated with a customer that corresponds to Applicant's verified user recording the usage amount of the corresponding device),

information storage means for sequentially storing the device usage information acquired by the information acquisition means (see fig.1-3 and associated texts), wherein the management server (see fig.1 and associated texts) comprises:

information collection means for collecting (see [0100-0113]), via a network the device usage information stored in the information storage means of each of the office automation devices (see fig.1-3 and associated texts), and amount totalizing means for totalizing a usage amount record of the office automation devices, the usage amount record being associated with each other user or a section in a company, based on the usage information collected by the information collection means (see 0010-0405]).

([0107][0036]), ([0106-0111]); ([0107-0112]), ([0021][0022][0032][0095 with respect to capability for outputting the result having I/O devices].

It would have been obvious to utilize Sick's management of the devices in a energy monitoring which mainly deals with power consumption and analysis to include other specific usage of each device in a network in terms of life of a device, amount of usage of each interface as Sick paragraph [0032-0033-0021-0022] discloses.

A recitation directed to the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art if prior art has the capability to do so perform (See MPEP 2114 and Ex Parte Masham, 2 USPQ2d 1647 (1987)).

As per claims 15, 18 and 20 Sick et al (2003/0216971 A1) teach a method, a computer program for executing a method of managing use of a networked office automation

device arranged and networked in a work place, the method comprising: verifying a user in the work place operating the office automation device, obtaining an amount of usage of the office automation device made by the verified user operating the office automation device, acquiring usage information of the office automation device comprising the obtained amount of usage of the office automation device, storing the acquired usage information in a database, processing the usage information stored in the database, and based on a comparison of the amount of usage and a reference value, sending a message corresponding to a comparison result to at least one of user of the office automation device and an administrator of the office automation device. It would have been obvious to utilize Sick's management of the devices in a energy monitoring which mainly deals with power consumption and analysis to include other specific usage of each device in a network in terms of life of a device, amount of usage of each interface as Sick paragraph [0032-0033-0021-0022] discloses.

The limitation "**user attempting to operate each of the office automation devices and belonging to a predetermined section of the work place**" disclose in [0036] in light of fig.2-4 and associated text.

A recitation directed to the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art if prior art has the capability to do so perform (See MPEP 2114 and Ex Parte Masham, 2 USPQ2d 1647 (1987)).

As per claim 2, 4 and 6 Sick et al (2003/0216971 A1) disclose all the limitation as applied above. [0107] deals with metering which corresponds to applicant's counting an amount of usage in claim 2; identification of the user is being done by the match of the

ID with the device that corresponds to the customer in claim 2; storage means and different tables and databases of the figures in Sick corresponds to user information, device information, usage information, amount of the usage, etc. other limitations in the claims 2, 4 and 6 are similar to limitations of the independent claims stating in different lexicon and therefore rejected as applied to independent claims above.

It would have been obvious to utilize Sick's management of the devices in a energy monitoring which mainly deals with power consumption and analysis to include other specific usage of each device in a network in terms of life of a device, amount of usage of each interface as Sick paragraph [0032-0033-0021-0022] discloses that.

The added limitation "**of each of the office automation devices**" into **claim 2** disclose by Sick et al in fig.1 and associated text.

The added limitations into **claims 4 and 6**, "**management server**" disclose in fig.1 and associated text. The limitation "**user usage**" disclose in [0032;0036;0107-0112]. The limitation "**collected by the information collection means**" disclose in [0100-0103].

The limitation "**acquired by the user usage amount acquisition means**" disclose in fig.1-5 and associated texts; [0100-0113]. The limitation "**sending via the network**" disclose in fig.1-2 and associated text. The limitation "**generated by the comparison means to an office automation device operated by a targeted user and outputting the message to a display section of the office automation device**" disclose in fig.1-2, 4 and 7 and their associated texts.

Allowable Subject Matter

12. **Claims 5 and 23** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 272-3811. The examiner can normally reached on Monday-Thursday (8:00-5:00). If attempts

to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned as 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KAMBIZ ZAND
PRIMARY EXAMINER

10/13/2006

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